

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

OPERATING ENGINEERS HEALTH
AND WELFARE TRUST FUND FOR
NORTHERN CALIFORNIA; RUSSELL
E. BURNS AND RICHARD PIOMBO, AS
TRUSTEES, et al.,

Plaintiffs,

v.

STATEWIDE CONSTRUCTION
SWEEPING, INC., et al.,

Defendants.

Case No. 14-cv-04738-PJH

ORDER OF DISMISSAL

The parties having advised the court in their Notice of Settlement that they have agreed to a settlement of this case, IT IS HEREBY ORDERED that this matter is dismissed without prejudice; provided, however that if any party hereto shall certify to this court, within sixty days, with proof of service thereof on the opposing party, that the agreed consideration for said settlement has not been delivered over, the foregoing order shall stand vacated and this case shall forthwith be restored to the calendar to be set for trial.

If no certification is filed, after passage of sixty days, the dismissal shall be with prejudice. The parties may, of course, substitute a dismissal with prejudice or a judgment pursuant to stipulation at any time during this sixty day period.

The September 24, 2015 case management conference is VACATED.

IT IS SO ORDERED.

Dated: September 18, 2015



PHYLLIS J. HAMILTON
United States District Judge